

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WARMINSTER EQUITIES, LLC,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
WARMINSTER COMMERCE, LLC,	:	NO. 10-520
	:	
Defendant.	:	
	:	

WARMINSTER COMMERCE, LLC,	:	
	:	
Counterclaim/Third-Party Plaintiff,	:	
	:	
v.	:	
	:	
WARMINSTER EQUITIES, LLC,	:	
	:	
Counterclaim Defendant,	:	
	:	
and	:	
	:	
ABINGTON SAVINGS BANK,	:	
	:	
Third-Party Defendant.	:	

ORDER

AND NOW, this 4th day of *August*, 2011, upon consideration of Plaintiff Warminster Equities LLC's Motion for Partial Summary Judgment (Docket No. 53); Defendant Warminster Commerce, LLC's Motions for Summary Judgment on its Counterclaim (Docket No. 54) and the Counterclaim of Third-Party Defendant Abington Bank (Docket No. 55); Abington Bank's Motion for Summary Judgment (Docket No. 56); Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (Docket No. 59); Abington Bank's Response in Opposition to Defendant's Motion for Summary Judgment (Docket No. 60); Defendant's Responses in Opposition to Plaintiff's Partial Motion for Summary Judgment (Docket No. 61) and Abington Bank's Motion for Summary

Judgment (Docket No. 62); and Defendant's Reply Briefs in support of its own Motions for Summary Judgment (Docket Nos. 63 & 64), it is hereby **ORDERED** as follows:

1. With respect to Count I of Defendant's Counterclaim: (a) Defendant's Motion for Summary Judgment is **GRANTED** and **JUDGMENT IS ENTERED** in favor of Defendant in so far as Count I requests a declaration that Plaintiff's Ground Lease expired on December 31, 2009; and (b) Defendant's Motion for Summary Judgment is **DENIED**, Plaintiff and Abington Bank's Motions for Summary Judgment are **GRANTED**, and **JUDGMENT IS ENTERED** in favor of Plaintiff and Abington Bank in so far as Count I requests a declaration that Abington Bank's leasehold mortgage shall be marked satisfied or released.
2. With respect to Counts II and III of Defendant's Counterclaim, Defendant's Motion for Summary Judgment is **GRANTED**, Plaintiff's Motion for Summary Judgment is **DENIED**, and **JUDGMENT IS ENTERED** in favor of Defendant.
3. With respect to Count IV of Defendant's Counterclaim, Plaintiff and Defendant's Motions for Summary Judgment are **DENIED AS MOOT**.
4. With respect to Count V of Defendant's Counterclaim, Defendant's Motion for Summary Judgment is **DENIED**, Plaintiff's Motion for Summary Judgment is **GRANTED**, and **JUDGMENT IS ENTERED** in favor of Plaintiff.
5. With respect to Count I of Abington Bank's Counterclaim: (a) Abington Bank's Motion for Summary Judgment is **GRANTED**, Defendant's Motion for Summary Judgment is **DENIED**, and **JUDGMENT IS ENTERED** in favor of Abington Bank in so far as Count I requests a declaration that Abington Bank's leasehold mortgage interest remains in effect and that Abington Bank maintains an interest in the improvements constructed on the land; and (b) Abington Bank's Motion for Summary Judgment is **DENIED**, Defendant's Motion for Summary Judgment is **GRANTED**, and **JUDGMENT IS ENTERED** in favor of Defendant in so far as Count I requests a declaration that the Ground Lease remains in effect and that Abington Bank maintains an interest in the rent from the improvements.
6. With respect to Counts II and III and Abington Bank's Counterclaim, Abington Bank's Motion for Summary Judgment is **DENIED**, Defendant's Motion is **GRANTED**, and **JUDGMENT IS ENTERED** in favor of Defendant.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.